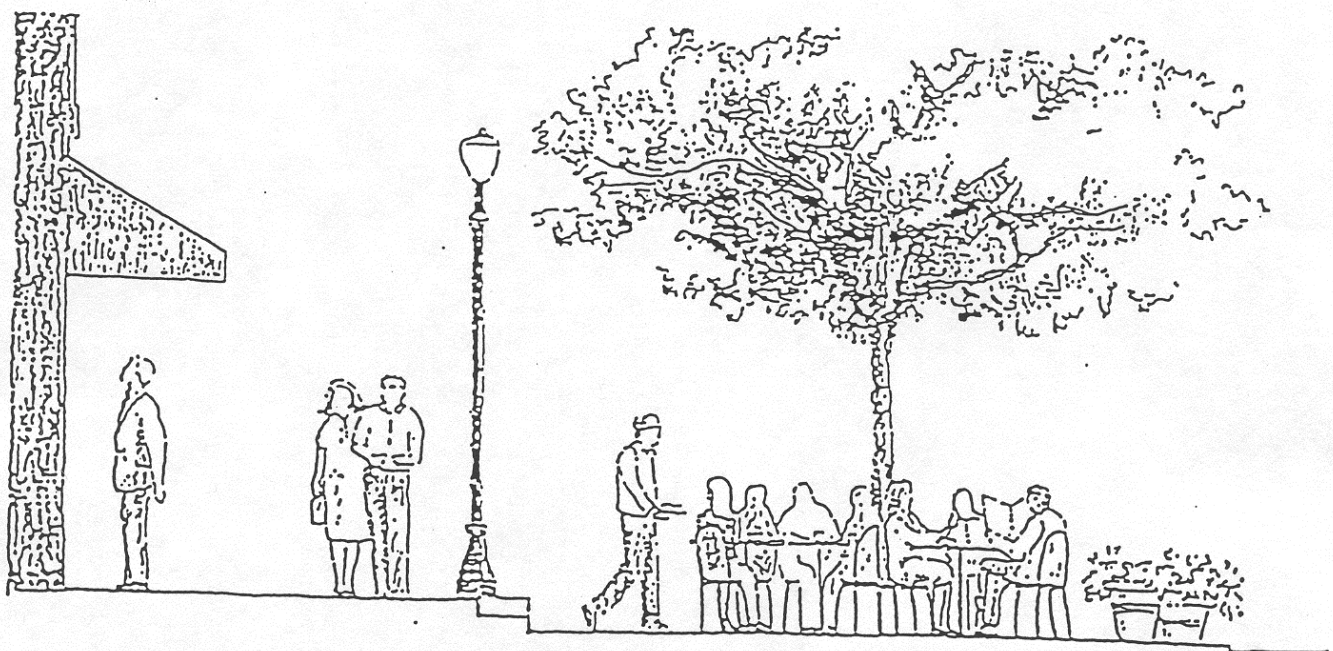


DOWNTOWN MOUNTAIN VIEW SIDEWALK CAFÉ GUIDELINES



February 1, 2000

TABLE OF CONTENTS

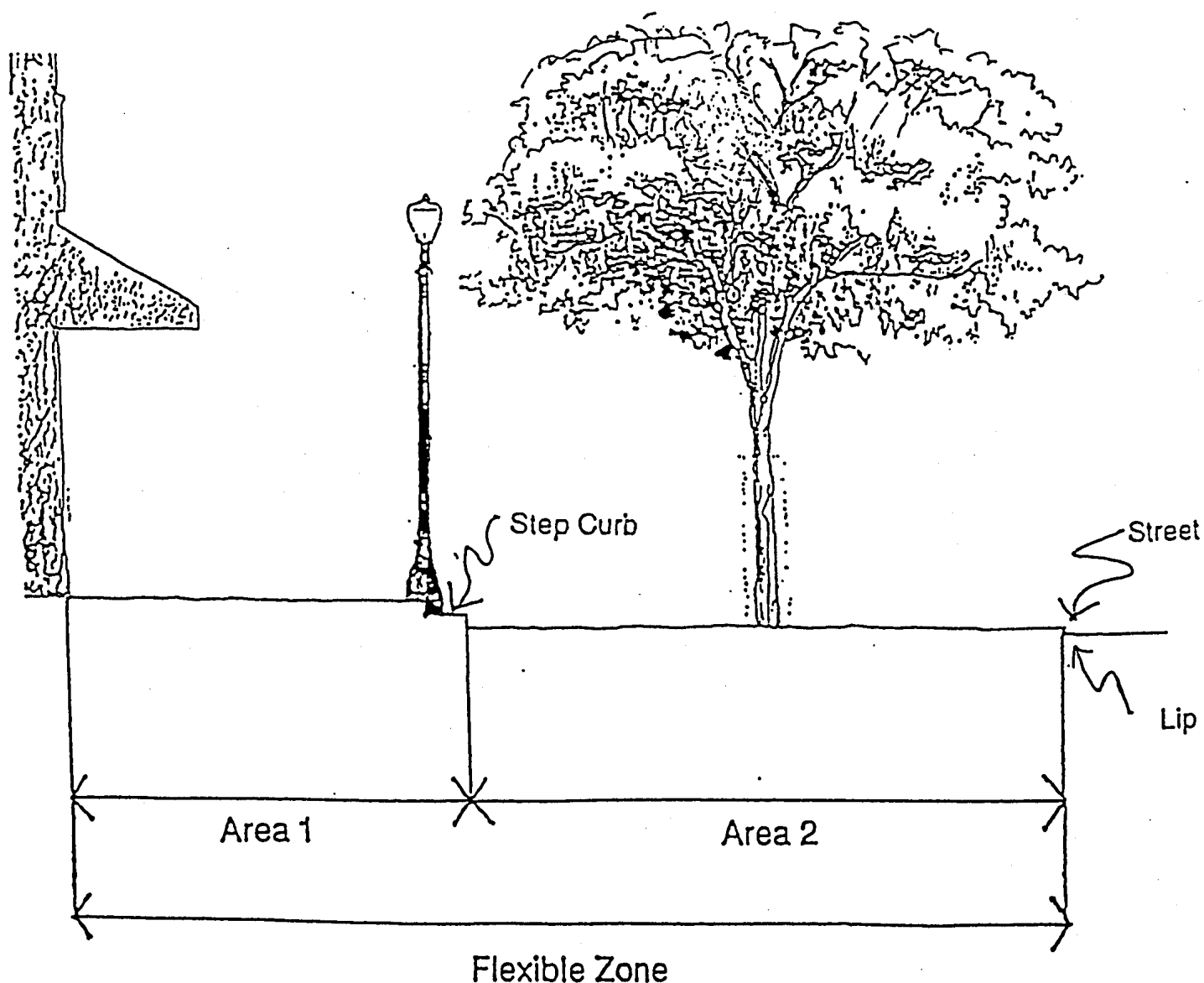
	Page
Definition of a Sidewalk Café.....	1
Flexible Zone.....	1
Sidewalk Café Location.....	2
Café Layout.....	4
Café Operations.....	5
Design of Café Furnishings.....	5
Tables and Chairs.....	5
Umbrellas.....	6
Planter Boxes and Wrought Iron Fences.....	7
Landscaping.....	7
Portable Heaters.....	7
Signage.....	7
Café Maintenance and Operations.....	8
Sidewalk Café Administration.....	8
Application Requirements.....	8
Procedures.....	10
Hearing and Decision on Sidewalk Café License Application.....	10
Code Enforcement.....	11
Grants.....	11

DEFINITION OF A SIDEWALK CAFÉ

A sidewalk café is an outdoor area located and maintained in the "Flexible Zone" of Castro Street or on the sidewalk of any commercial street in the Downtown Precise Plan area by an adjoining restaurant for the sale of food and beverages.

FLEXIBLE ZONE

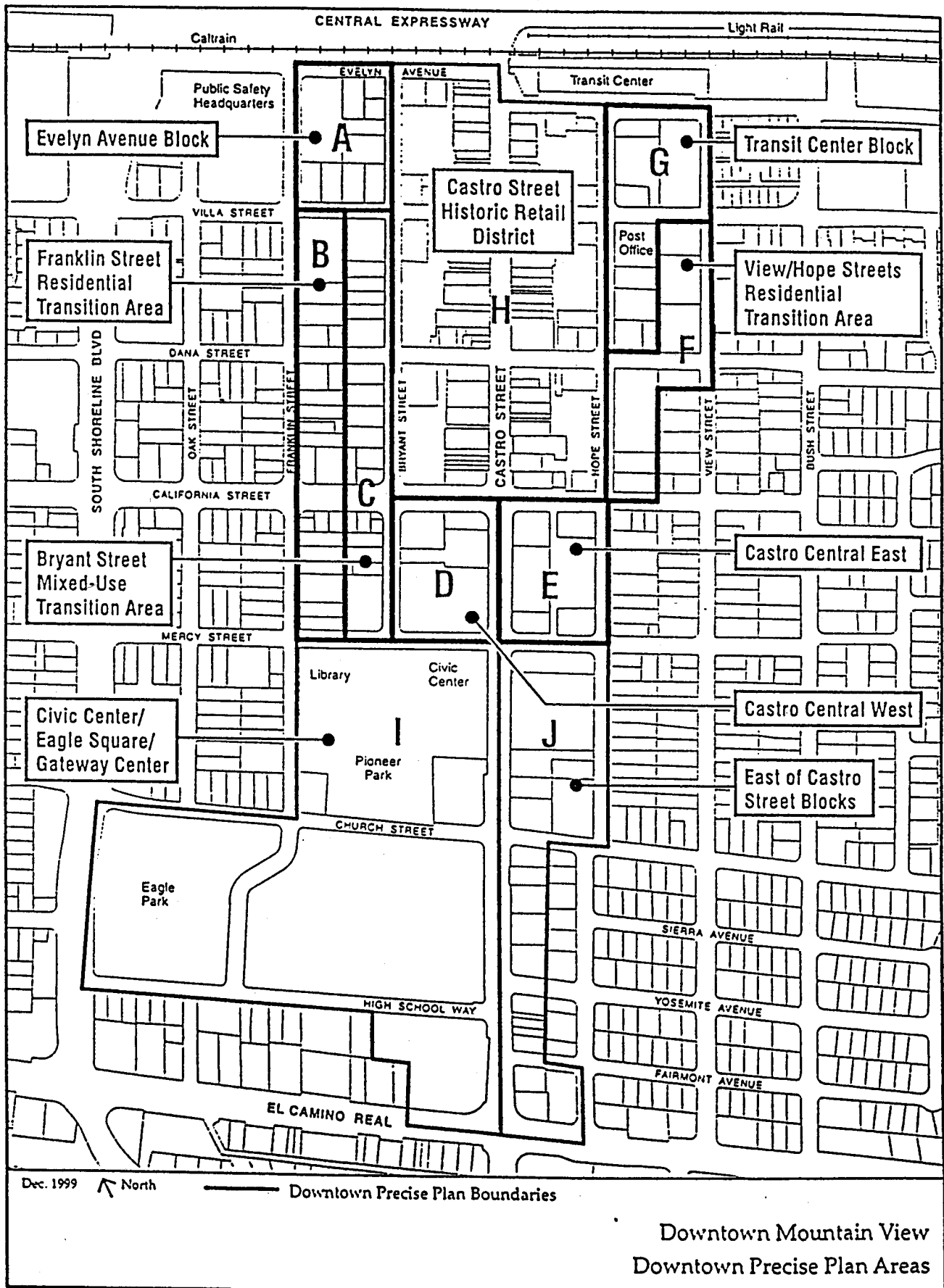
The Flexible Zone is the area generally defined by the edge of the building face to the lip of the paved parking lane next to the street. It is comprised of two basic areas: Area 1, which extends from the edge of the building face to the edge of the step curb (i.e., the "sidewalk"), and Area 2, which extends from the edge of the step curb to the lip of the paved area adjacent to the street (i.e., the parking lane).



SIDEWALK CAFÉ LOCATION

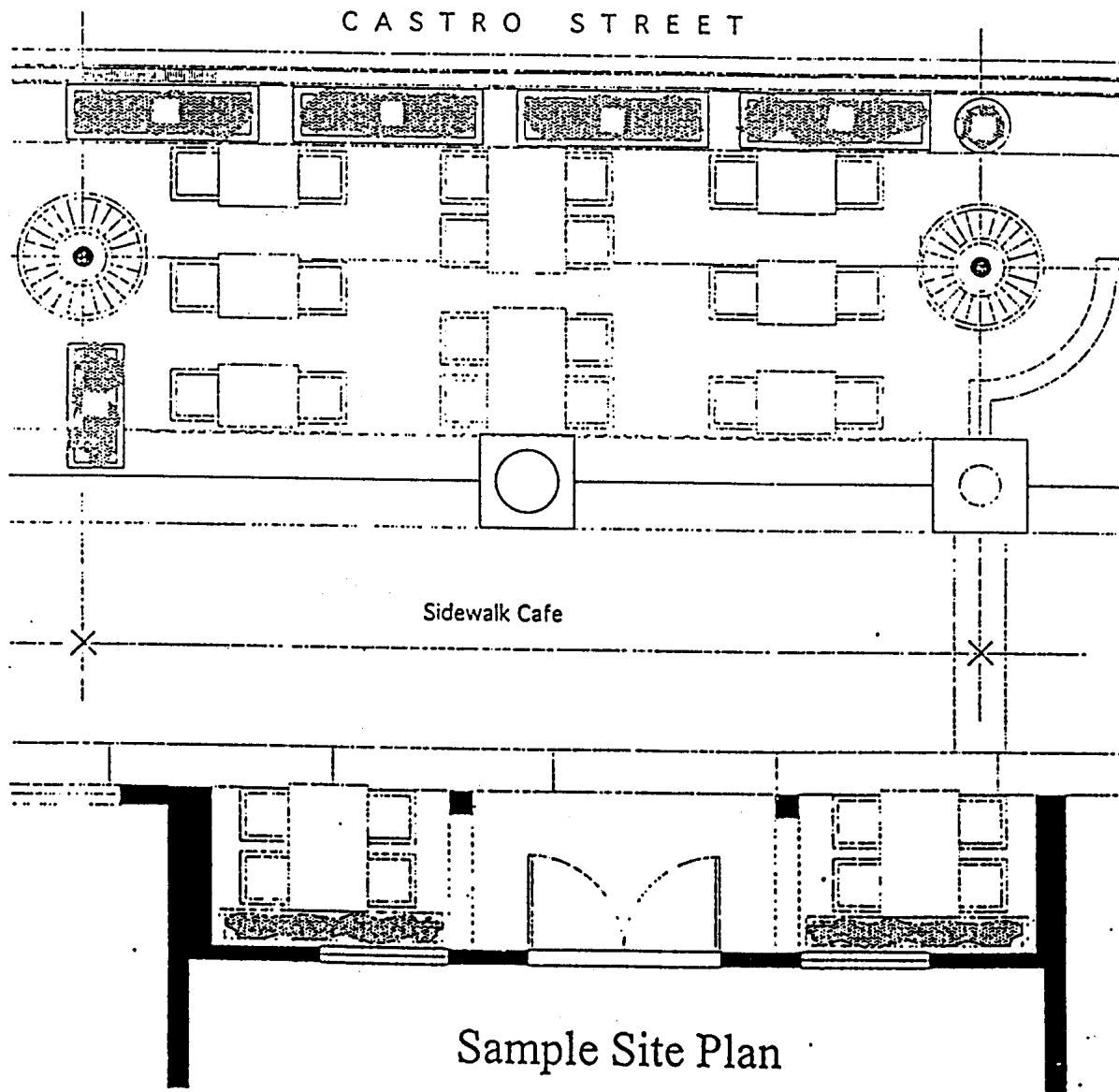
Sidewalk cafés are permitted in the commercial districts of the Downtown Precise Plan area. These areas generally include Areas D, E, I and J fronting on Castro Street and all of Area H.

1. As many as 32 parking spaces in Area 2 of the Flexible Zone along the entire length of Castro Street between Evelyn Avenue and El Camino Real may be occupied by sidewalk cafés.
2. A sidewalk café located along Castro Street is permitted to locate in Area 1 and only in one parking stall in Area 2 of the Flexible Zone. A parking stall is generally defined as the open area between two City street trees. A sidewalk café located on any other street is permitted to locate only in Area 1 of the Flexible Zone. In an effort to minimize the conflict between pedestrians and auto traffic on these streets, the sidewalk café furniture should be located against the building face and not directly adjacent to the street.
3. A café operator may propose to extend the sidewalk café in front of an adjacent business if it can be found that the proposed use will not block the visibility of display windows or signage of that business.
4. The café operator shall maintain the following minimum dimensions for pedestrian access along the Flexible Zone:
 - a. Four (4') feet wide along Area 1 of the Flexible Zone;
 - b. Four (4') feet clearance from the building entrance/exit;
 - c. Fifteen (15') radial feet from the corner intersections, as measured from the back of curb; and
 - d. Five (5') feet clear around City planters, bus shelters, trash containers and public kiosks.



CAFÉ LAYOUT

1. The operator of the sidewalk café shall locate planter boxes or wrought iron fencing around the Flexible Zone adjacent to the street to visually define and secure the sidewalk café area.
2. The operator of the sidewalk café shall furnish the café area with tables and chairs, and if desired, umbrellas and portable heaters. Tables and chairs cannot be stacked outside at anytime. Café furniture cannot be left outside, unused, for more than three days.
3. Café furniture shall not be secured to street lights, trees or other street furniture. The café operator shall not make any permanent changes to the Flexible Zone, such as bolting tables and chairs to the ground.



CAFÉ OPERATIONS

1. A business with a sidewalk café located in Area 2 of the Flexible Zone shall be open for lunch and dinner, and the café shall be set up during these periods for business, weather permitting.
2. The café operator shall remove all café furniture during the winter period from December 1 to April 1. However, café operators are allowed to utilize their approved café area during the winter months, weather permitting, if the furnishings are being used on a daily basis and the area is properly maintained.

DESIGN OF CAFÉ FURNISHINGS

1. In April 1999, the City Council adopted Interim Guidelines for existing sidewalk cafés. The Interim Guidelines allowed for an amortization period for existing furniture:
 - a. No new green plastic chairs are permitted and all existing green plastic chairs will be amortized over a three-year period from the date of permit issuance.
 - b. New furniture purchased during the interim guideline period may be utilized for a three-year period from the date of permit issuance.
2. A café operator can see examples of acceptable tables, chairs, umbrellas and planter box designs on file in the Community Development Department. All café furniture shall meet the following standards:

Tables and Chairs

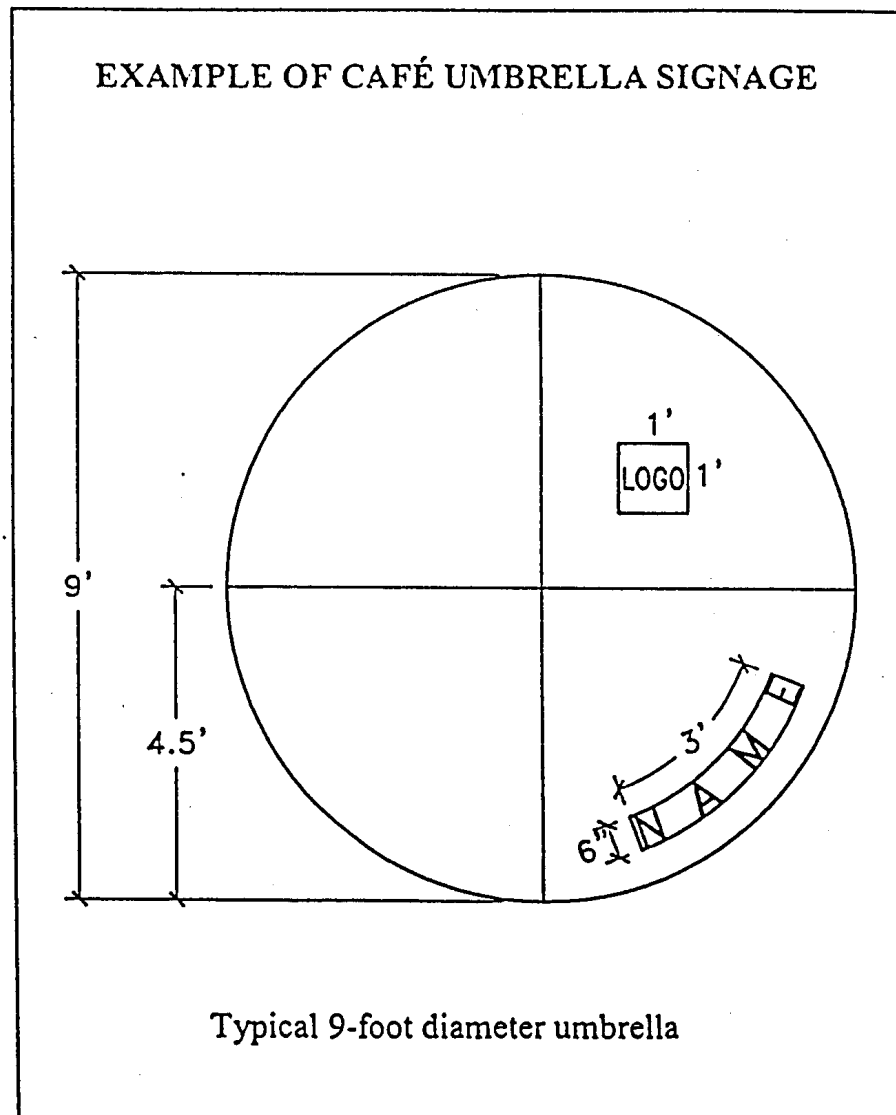
Tables and chairs shall be made of a safe, sturdy, durable material such as wrought iron, wood, steel or cast aluminum. All tables and chairs shall be commercial grade and manufactured for outdoor commercial use. Using small round or square tables that seat two to four people will maximize the number of tables that can be placed in the Flexible Zone and provide flexibility in the café layout. All furniture shall be of the highest quality and shall be properly maintained and cleaned regularly.

All tablecloths shall be brought indoors nightly and shall be cleaned on a regular basis. No vinyl tablecloths are permitted.

Umbrellas

Individual canvas or other nonvinyl umbrellas are permitted. Umbrellas shall be a solid color and shall not be fluorescent or have a floral pattern. Umbrellas shall be designed for outdoor commercial use and maintained in a clean manner.

Each umbrella may display the name of the sidewalk café business so long as the name does not exceed six (6") inches in height. One business logo not to exceed 1 square foot is also permitted. The total umbrella signage shall not cover more than 10 percent of the area of each umbrella and shall contain no generic advertising (i.e., Cinzano, Perrier).



Planter Boxes and Wrought Iron Fences

The café operator may choose to install either planter boxes or wrought iron fences to enclose the café area.

The planter boxes used to establish the boundary of the café shall be made of a safe, sturdy, durable and attractive material such as precast concrete, Glasscrete or "GFRC" designed to match the style and color of the existing downtown street furniture. They should be at least 22" to 24" in height and no wider than 2' at the base. Alternative planter designs may be used if they meet the above criteria or are located in Area 1 of the Flexible Zone.

The wrought iron fences used to establish the boundary of the café shall be designed to match the existing wrought iron pattern of the downtown street furniture.

Landscaping

The planters shall be potted with live plants and flowers at all times. A variety of plant materials are acceptable as long as the plants do not exceed 48" in height, measured from the pavement. Taller plants may be permitted depending on the location of the sidewalk café.

Portable Heaters

Portable propane heaters are permitted within Area 2 of the Flexible Zone, subject to review by the Fire and Building Departments.

Signage

A menu holder, such as a window box or wall panel mounted on the exterior storefront of a restaurant, is a permitted café sign. The menu holder shall only contain a typically sized menu and shall not be used for additional signage or business identification. The menu holder shall be professionally constructed of high-quality, durable material including, but not limited to, brushed or polished metal, glass and sandblasted wood. No A-frame signs, white boards, blackboards or chalkboards are permitted.

CAFÉ MAINTENANCE AND OPERATIONS

1. The café operator shall maintain the Flexible Zone in a clean and safe condition at all times, including properly disposing of all trash and water generated by the operation;
2. The café operator shall comply with all applicable laws and local ordinances regarding the sale and service of food and beverages to the public, including the Alcoholic Beverage Control requirements for serving alcohol; and
3. The café operator shall operate the café in accordance with the City approved findings report and the terms of the sidewalk café license.

SIDEWALK CAFÉ ADMINISTRATION

Any restaurant that would like to establish a sidewalk café shall obtain a sidewalk café license that is:

1. Limited to a specific location within the Flexible Zone;
2. Issued for one year;
3. Nontransferable; and
4. Reviewed and approved by the City Attorney and City Manager.

Application Requirements

Prior to obtaining a license, the applicant will need to obtain Development Review Committee approval for the location, layout and design of the sidewalk café in accordance with the Sidewalk Café Guidelines.

The following items shall be submitted to the Community Development Department in order to process an application for Development Review Committee approval:

1. A completed planning application;
2. The application fee;
3. A site plan showing the location of:
 - a. The proposed sidewalk café area and the relationship between the café and the adjacent businesses;

- b. Planters or wrought iron fencing, chairs, tables, umbrellas, heaters and any other furnishings to be included in the proposed café operations;
 - c. The location of any adjacent City planters, bus shelters, trash containers and kiosks; and
 - d. The proposed circulation to and from the sidewalk café and the restaurant, and the pedestrian circulation through the Flexible Zone.
- 4. Specifications for the design of all café furniture, including the planters, wrought iron fencing, tables, chairs, umbrellas, signage and heaters, are required. The café operator shall include a manufacturer's specification sheet and color pictures for all café furniture showing that it is commercial grade and designed for outdoor use;
- 5. Maintenance and operation plans, including hours of operation;
- 6. Proof of comprehensive liability insurance covering the property and licensed area in an amount of not less than One Million Dollars (\$1,000,000) as a combined single limit for personal injury (including death) and property damage; an endorsement naming the City of Mountain View, its Council, boards, commissions, officers, employees, volunteers, agents and employees as additional insureds; and a copy of the declarations or information page(s) for the policy. The general liability insurance must cover the property and the licensed area on which the sidewalk café will be located;
- 7. Proof of workers compensation insurance in an amount not less than One Hundred Thousand Dollars (\$100,000), if applicable;
- 8. A City hold harmless and waiver executed by the applicant;
- 9. The applicant's City business license number;
- 10. The number of the applicant's permit to operate a food establishment obtained from the County health officer;
- 11. A statement signed by the applicant which provides that he/she will comply with all laws while conducting business in the City and will collect and remit sales tax on all sales made in the City;
- 12. A copy of a written landscape contract with a professional landscape maintenance company, contractor or gardener to maintain the landscaping in the sidewalk café

area throughout the year. A proposed list of plant material to be used in planters and maintenance, replanting and watering schedule;

13. Payment of rent to the City for use of the public right-of-way as determined from time to time by resolution of the City Council (as of May 1999, the rental fee is \$3 per square foot annually, or \$600 per parking space annually, beginning in the second year of a café's operation); and
14. Where a café encroaches into the frontage of an adjacent business, the café operator shall get written approval of the affected adjacent business. If approval of the adjacent business owner is not obtained and submitted with the application, the Community Development Department will conduct a public hearing to review the sidewalk café license application. All comments on the application must be received at or prior to the public hearing to be considered.

Procedures

Upon receipt of these documents, the Community Development Department shall notice the project for a public hearing to be conducted by the Development Review Committee. Notice of the public hearing shall be posted and given to the business owners directly adjacent to the subject site and the property owners within 300' of the proposed location of the café.

Hearing and Decision on Sidewalk Café License Application

At the hearing, the Development Review Committee shall consider the application and other documents submitted by the applicant and the comments of the applicant and other interested persons.

The Development Review Committee may approve the application upon a finding that:

1. The applicant has submitted all required documents;
2. The proposed layout, location and design of the sidewalk café is consistent with the character of the downtown area;
3. The proposed sidewalk café will enhance the downtown area and benefit the community and will not pose a danger to the public health, safety or welfare; and
4. The proposal complies with the Sidewalk Café Guidelines, the City Code and all requirements of State and Federal law.

CODE ENFORCEMENT

A variety of tools may be used to address issues relating to sidewalk cafés. The Mountain View City Code includes both civil and criminal penalties for violations relating to sidewalk cafés. This provides some flexibility depending on the nature and circumstances of the particular violation. In addition, the sidewalk café licenses are subject to revocation.

GRANTS

Grants of up to \$1,000 are available on a first-come, first-served basis. The City will match \$1 to every \$3 invested in new, City-approved café equipment. Grants are available until June 30, 2000 or until \$10,000 is used up, whichever comes first.

MA/6/CDD
891-01-30-02G^